

DUVAL JONES

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALAIN THE UNITED
STATES DISTRICT
COURT MONTGOMERY
ALABAMA

V

STATE OF ALABAMA

CASE NO. 2:06-CV-720
WHAMOTION TO SHOW CAUSE TO CONTINUE
FEDERAL HABEAS CORPUS

COMES NOW BEFORE THIS COURT, DUVAL JONES, PRO-SE. PETITIONER IN THE ABOVE ENTITLED, STYLED AND NUMBERED CAUSE AND RESPECTFULLY FILES THIS MOTION TO SHOW CAUSE TO CONTINUE FEDERAL HABEAS CORPUS AS ORDERED BY UNITED STATES MAGISTRATE JUDGE HONORABLE SUSAN RUSS WALKER ON OCT. 3RD 2006. THE PETITIONER WILL RESPECTFULLY SHOW THE FOLLOWING IN SUPPORT OF THIS MOTION:

I
FACTS OF CASE

ON JULY 28TH 2006 THE PETITIONER

CONT
(1)

FILED A PETITION FOR HABEAS CORPUS RELIEF ON OCT 3RD 2006 HONORABLE JUDGE SUSAN RUSS WALKER ORDERED PETITIONER TO SHOW CAUSE WHY HIS FEDERAL HABEAS CORPUS PETITION SHOULD NOT BE DENIED AS IT WAS NOT FILED WITHIN THE ONE-YEAR LIMITATION PERIOD ESTABLISHED BY 28 U.S.C. § 2244 (D)(1).

II RELIEF SOUGHT TO CONTINUE SAID CAUSE

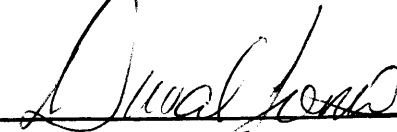
III GROUND FOR RELIEF

THE COURTS INTERPRETED THAT THE PETITIONERS CONVICTION BECAME FINAL BY OPERATION OF LAW ON JULY 30TH 2002 AND THERE WAS NO DIRECT APPEAL FILED BY THE PETITIONER THEREFORE THE FILING OF THE PETITIONERS FEDERAL HABEAS CORPUS ON JULY 28TH 2006 SHOULD BE BARRED BY THE ONE YEAR LIMITATION PERIOD APPLICABLE TO 28 U.S.C. § 2254 PETITIONS. TIME CALCULATED FROM JULY 28TH 2006 BACK TO JULY 30TH 2002. THE PETITIONER DUE TO LIMITED ACCESS TO COURT FROM THE TRANSITION FROM THE COUNTY JAIL TO THE ALABAMA DEPT. OF CORRECTIONS AND OTHER FACTORS FAILED TO DIRECTLY

APPEAL SAID CAUSE WITHIN A TIMELY MANNER SO TO EXHAUST STATE REMEDIES WAS ALLOWED TO SEEK RELIEF THROUGH POST-CONVICTION RULE 32 PETITIONS ONE ON FEB 2, 2005 AND ON OCT 31ST 2005. THESE PETITIONS WERE HEARD AND THE PETITION OF OCT 31ST 2005 WAS NOT DENIED FOR UNTIMELY MANNER, AND IT IS HELD THAT THE PETITIONER MUST EXHAUST STATE REMEDIES BEFORE SEEKING RELIEF UNDER SECTION 2254. THUS OCT 31ST 2005 WOULD PUT THE PETITIONER WITHIN THE ONE YEAR LIMITATION REQUIRED BY THIS COURT.

THEREFORE WITH ALL PREMISES CONSIDERED AND THE HEARING OF THIS MOTION I THEREFORE PRAY THAT THIS COURT GRANT SAID MOTION AND CONTINUE CAUSE

RESPECTFULLY SUBMITTED



DUVAL JONES 189486
FOUNTAIN 3800
ATMORE, AL. 36503

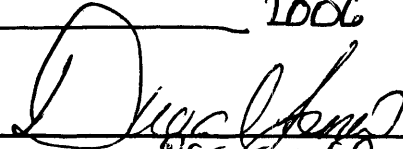
UNSWORN AFFIDAVIT

I HEREBY SWEAR UNDER
PENALTY OF PERJURY THAT THE FOREGOING STATE-
MENTS AND ALLEGATIONS OF THIS MOTION ARE
TRUE AND CORRECT TO THE BEST OF MY KNOW-
LEDGE

ON THIS THE 9TH DAY OF

OCT.

2006


PETITIONER

CERTIFICATE OF SERVICE

I DECLARE THAT A TRUE AND
CORRECT COPY OF A MOTION TO SHOW CAUSE TO CONTINUE
FEDERAL HABEAS CORPUS WAS MAILED BY WAY
OF U.S. POSTAL SERVICE TO:

CLERK

U.S. DISTRICT COURT

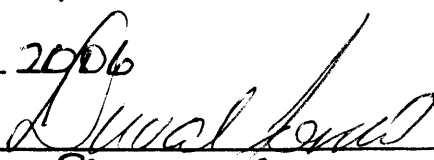
P.O. Box 711

MONTGOMERY, AL. 36101

ON THIS THE 9TH DAY OF

OCT

2006


PETITIONER